



Congress vs. lobbyists over tainted toys

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Politico

June 3, 2008

Sitting straight-backed in her chair, Elizabeth Fischer calmly told her tainted-toy story. “We’ve heard that they were saying there wasn’t anybody damaged by the lead recalls, and now we’re hearing that the House and Senate are currently working in a joint conference committee to overhaul the CPSC. Congress is trying to finish work on the bill by its Fourth of July break and send the bill to the President. Since Kevin was exposed to lead from his Diego and Boots toys, he has exhibited aggressive behavior. “We want to make sure we don’t use our children as crash test dummies, as guinea pigs, as test subjects,” Mattel lobbyist Janet Mullins Grissom emphasized that her client and other toy manufacturers want to make sure. But, as always in Washington, the devil is in the details. Lobbyists for the toy industry argue that the CPSC is too slow. “You need to have a reasonable amount of time for the marketplace to accommodate it; otherwise, you’re going to have a lot of problems. Other sticking points for the industry include the age range of products that will be covered by the recall. Another controversial issue is a proposed ban on an allegedly toxic plastic softener used in toys. Still, on most points, the House and Senate bills are fairly close. “Overall, it is really hopeful that the CPSC will be able to get the bill passed. Also monitoring the legislation is Pamela Gilbert, who was executive director of the Consumer Product Safety Commission. Gilbert said the agency needs to reform its recall process, which can be cumbersome and slow. Her concerns were borne out by the experience of Kaaliyah Smith, a 3-year-old from Sharon Hill, Pa., who was hospitalized after playing with a toy. Her father, Kevin Smith, said his daughter began having severe intestinal pain and bleeding after playing with the toy. Industry lobbyists are pushing for more limited overhaul of the commission. The lobbyists say legislative action is needed. “If there is a perception that the CPSC is weak — that they are not fulfilling their job — then that makes it harder to get the bill passed. For the country’s largest toy retailers, restoring the reputation of the beleaguered agency has been a priority.

One provision of the legislation that some industry lobbyists want to scuttle is a proposed ban on phthalates. The move to ban the chemical compounds has been opposed by juvenile products manufacturers, chemical companies and others. Sen. Dianne Feinstein (D-Calif.), who sponsored the bill, said she would fight to keep the ban in the final version. “I have no doubt that industry is trying to strip this provision from the bill behind closed doors,” Feinstein said. ExxonMobil, which manufactures phthalates, has spent more than \$3 million on lobbying for this and other provisions. So far, congressional aides say that the conference committee negotiations have been productive. Rep. Henry Waxman (D-Calif.) said, “It’s a political imperative to have a strong bill in the end. Child safety is a no-brainer and should be nonpartisan.”